

IOWA FINANCE AUTHORITY[265]

Notice of Intended Action

**Proposing rule making related to home and community-based services rent subsidy program
and providing an opportunity for public comment**

The Iowa Finance Authority hereby proposes to amend Chapter 24, “Home and Community-Based Services Rent Subsidy Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 16.5.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 16.55.

Purpose and Summary

The purposes of these proposed amendments are to clarify the rules, remove an unnecessary defined term, and strike a sentence that prohibits subsidy recipients from residing in rental units owned by immediate family members.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Authority no later than 4:30 p.m. on August 21, 2018. Comments should be directed to:

Mark Thompson
Iowa Finance Authority
2015 Grand Avenue
Des Moines, Iowa 50312
Phone: 515.725.4937
Email: mark.thompson@iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental

subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Rescind the definition of "Immediate family member" in rule **265—24.2(16)**.

ITEM 2. Amend rule **265—24.2(16)**, definition of "Qualified rental unit," as follows:

"Qualified rental unit" means a housing unit for which a signed written rental agreement exists and which is governed by Iowa Code chapter 562A. ~~A qualified rental unit does not include a home owned by an immediate family member.~~

ITEM 3. Amend rule 265—24.3(16) as follows:

265—24.3(16) Eligibility requirements. All of the following criteria shall be met.

24.3(1) Demonstrated need. An applicant must demonstrate need for rent subsidy by meeting all of the following requirements:

- a. The applicant shall provide a copy of an executed rental agreement showing the applicant as a tenant, with signatures by the landlord and the applicant or the applicant's legal guardian;
- b. The applicant shall provide evidence that the applicant pays more than 30 percent of the applicant's gross income for rent, with a minimum contribution of \$25 per month;
- c. The applicant shall not receive any other permanent rental assistance;
- d. The applicant may not use this program to substitute for any other permanent rent subsidy that the applicant had been receiving at the time of or immediately prior to the time of application to this program; and
- e. The applicant's rental unit must be a qualified rental unit and may not be owned by someone who lives in the unit.

24.3(2) No change.

ITEM 4. Amend **265—Chapter 24**, implementation sentence, as follows:

These rules are intended to implement Iowa Code section ~~16.5(17)~~ and 2005 Iowa Acts, House File ~~825, section 45~~ 16.55.